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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Plaintiff,

v.

STEMILT GROWERS, LLC,
and
STEMILT AG SERVICES, LLC,
Defendants.

CIVIL ACTION NO. CV-
COMPLAINT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Charging Party Heidi Corona (“Corona”). The Equal Employment Opportunity Commission alleges that Defendant Stemilt Growers, LLC, and its wholly owned subsidiary, Stemilt Ag Services, LLC (collectively “Defendants”) subjected Corona to a hostile work environment because of sex and retaliated against Corona because of her protected activity. Plaintiff seeks injunctive relief and monetary relief on behalf of Corona, including pecuniary damages, nonpecuniary compensatory damages, punitive damages, back pay, and prejudgment interest.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

1 2. The employment practices alleged to be unlawful were committed
2 within the jurisdiction of the United States District Court for the Eastern District of
3 Washington.

4
5 PARTIES

6 3. Plaintiff, the Equal Employment Opportunity Commission (the
7 "Commission"), is the agency of the United States of America charged with the
8 administration, interpretation and enforcement of Title VII, and is expressly
9 authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-
10 5(f)(1).
11

12
13 4. At all relevant times, Defendant Stemilt Growers, LLC (Defendant
14 SG) has been a corporation continuously doing business in the State of Washington
15 and has continuously had at least 15 employees.
16

17 5. At all relevant times, Defendant Stemilt Ag Services, LLC (Defendant
18 SAS) has been a corporation continuously doing business in the State of
19 Washington and has continuously had at least 15 employees.
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21 6. On information and belief, the two Defendants named in this action
22 have operated as an integrated business enterprise, and each Defendant has had at
23 least fifteen (15) employees on a continual basis.
24
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1 7. Facts establishing the existence of an integrated business enterprise
2 include, but are not limited to, the following:

- 3 a. Defendant SAS is a wholly owned subsidiary of Defendant SG;
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5 b. Defendants share a common mailing address, P.O. Box 1688
6 Wenatchee, WA 98807-1688;
7
8 c. Defendants' operations are interrelated as Defendant SG is a
9 governing agent for Defendant SAS and on information and belief share
10 employees;
11
12 d. On information and belief, Defendant SAS was created by
13 Defendant SG to operate and manage its orchards in eastern Washington;
14
15 e. On information and belief, Defendants have common financial
16 control;
17
18 f. On information and belief, Defendants shared common
19 management; and
20
21 g. Centralized control of labor for Defendants rests with
22 Defendant SG.

23 8. At all relevant times, each Defendant named in this action has
24 continuously been an employer engaged in an industry affecting commerce
25

1 individually or, alternatively, as an integrated enterprise, within the meaning of
2 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

3
4 ADMINISTRATIVE PROCEDURES

5 9. More than thirty (30) days prior to the institution of this lawsuit,
6
7 Charging Party Corona filed Charge No. 551-2015-00195 with the EEOC alleging
8 violations of Title VII by Defendants.

9 10. On September 18, 2016, the Commission issued to Defendants a
10
11 Letter of Determination as to the above charge finding reasonable cause to believe
12 Title VII was violated and inviting Defendants to join with the Commission in
13 informal methods of conciliation to endeavor to eliminate the unlawful
14 employment practices and to provide appropriate relief.
15

16 11. The Commission engaged in communications with Defendants to
17
18 provide Defendants the opportunity to remedy the discriminatory practices
19 described in the letter of determination.

20 12. The Commission was unable to secure from Defendants a
21
22 conciliation agreement acceptable to the Commission.

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1 13. On December 28, 2016, the Commission issued to Defendants a
2 Notice of Failure of Conciliation advising that the Commission was unable to
3 secure from Defendants a conciliation agreement acceptable to the Commission.
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5 14. All conditions precedent to the institution of this lawsuit have been
6 fulfilled.
7

8 STATEMENT OF CLAIMS
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10 15. From at least October 2014 until March 2015, Defendants engaged in
11 unlawful employment practices at its facilities in Wenatchee, Washington in
12 violation of § 703(a) and §704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and §
13 2000e-3(a). Defendants engaged in these unlawful practices by subjecting Corona
14 to a hostile work environment based on sex, and to retaliation because of her
15 protected activity.
16

17 16. The practices complained of in paragraph 15 were carried out by
18 Corona's direct supervisor, Defendants' Tractor Crew Supervisor, and by
19 Defendants Managers, including their Regional Manager and Human Resources
20 Manager.
21

22 17. Defendants employed Corona as a tractor driver beginning on or about
23 April 15, 2013 at its Quincy facility. On or about October 9, 2014, Corona was
24 transferred to Defendants' Wenatchee facility. During the end of October 2014
25

1 through early March 2015, Defendants assigned Corona to work as a Sorter at its
2 warehouse.

3 18. On or about October 11, 2014, approximately two days after Corona
4 started working under the direct supervision of the Tractor Crew Supervisor at
5 Wenatchee, the Tractor Crew Supervisor subjected Corona to offensive and
6 unwelcome conduct including: directing Corona to get in his truck and driving her
7 to remote, isolated areas of the orchard, including an area where the Tractor Crew
8 Supervisor told her people have sex; making comments about being a man with
9 sexual needs; propositioning Corona for sex; offering Corona money in exchange
10 for sex; attempting to kiss Corona; describing how he would lick and suck a
11 woman; and telling Corona that he was wet. Corona rebuffed the Tractor Crew
12 Supervisor's advances. Afterwards, the Tractor Crew Supervisor assigned Corona
13 to less desirable tasks unrelated to her duties as a tractor driver, such as picking up
14 trash, and excluding her from the morning meetings with the other tractor drivers.

15 19. Corona complained to Defendants' Human Resources Manager and
16 Regional Manager about their Tractor Crew Supervisor's offensive and unwelcome
17 sexual conduct toward her.

18 20. In response to Corona's complaint, Defendants accused Corona of
19 sexually harassing the Tractor Crew Supervisor; required Corona to describe the
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1 sexual harassment with the Tractor Crew Supervisor present; and reassigned
2 Corona from her position as a Tractor Driver to work at their warehouse as a Sorter
3 with a lower rate of pay.
4

5 21. The effect of the practices complained of in paragraphs 15-20 above
6 has been to deprive Corona of equal employment opportunities and otherwise
7 adversely affected her status as an employee.
8

9 22. The unlawful employment practices complained of in paragraphs 15-
10 20 above were intentional.

11 23. The unlawful employment practices complained of in paragraphs 15-
12 20 above were done with malice or with reckless indifference to the federally
13 protected rights of Corona.
14

15
16 PRAYER FOR RELIEF

17 Wherefore, the Commission respectfully requests that this Court:

18 A. Grant a permanent injunction enjoining Defendants, their officers,
19 successors, agents, assigns, and all persons in active concert or participation with
20 it, from engaging in any employment practices which discriminate.
21

22 B. Order Defendants to institute and carry out policies, practices, and
23 programs which provide equal employment opportunities for all employees, and
24 which eradicate the effects of its past and present unlawful employment practices.
25

1 C. Order Defendants to make Corona whole by providing appropriate
2 back pay with prejudgment interest, in amounts to be determined at trial, and other
3 affirmative relief necessary to eradicate the effects of Defendants' unlawful
4 employment practices described in paragraphs 15-20 above in amounts to be
5 determined at trial.
6

7 D. Order Defendants to make whole Corona by providing compensation
8 for past and future pecuniary losses resulting from the unlawful employment
9 practices described in paragraphs 15-20 above, including past and future out-of-
10 pocket expenses, in amounts to be determined at trial.
11

12 E. Order Defendants to make whole Corona by providing compensation
13 for past and future nonpecuniary losses resulting from the unlawful practices
14 complained of in paragraphs 15-20 above, including without limitation emotional
15 pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.
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17 F. Order Defendants to pay Corona punitive damages for its malicious
18 and reckless conduct described in paragraphs 15-20 above, in amounts to be
19 determined at trial.
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1 G. Grant such further relief as the Court deems necessary and proper in
2 the public interest.

3 H. Award the Commission its costs of this action.
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5 DATED this 12th day of June, 2017.
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